REMARKS

INTRODUCTION

Claims 1-7 were previously pending and under consideration.

Claims 8-11 are added herein.

Therefore, claims 1-11 are now pending and under consideration.

Claims 1-7 are rejected.

Claims 1, 4 and 7 are objected to.

Claims 1-7 are amended herein.

No new matter is being presented, and approval and entry are respectfully requested.

ENTRY OF AMENDMENT UNDER 37 CFR § 1.116

Applicant requests entry of this Rule 116 Response because:

(a) it is believed that the amendment of the claims puts this application into condition for allowance as suggested by the Examiner;

(b) the amendments were not earlier presented because the Applicant believed in good faith that the cited prior art did not disclose the present invention as previously claimed;

(c) the amendments of the claims should not entail any further search by the Examiner since no new features are being added or no new issues are being raised; and

(d) the amendments do not significantly alter the scope of the claims and place the application at least into a better form for purposes of appeal. No new features or new issues are being raised.

The Manual of Patent Examining Procedures sets forth in Section 714.12 that "any amendment that would place the case either in condition for allowance <u>or in better form for appeal</u> may be entered." Moreover, Section 714.13 sets forth that "the Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified." The Manual of Patent Examining

6

Procedures further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

PRIOR ART: BANNON

Bannon discusses an object database management system (ODBMS). Bannon discloses only one persistent storage database, the relational database (RDB) 20. The RDB 20 persistently stores data corresponding to objects (but not in the form of actual objects). An object access layer 18 (see Figure 2) manages the data stored in the RDB 20 so that it can be used in the form of temporary objects by an application. In other words, the layer OODB 18 functions as an interface that allows the data stored in the RDB 20 to be used as persistent object data. Object storage in the OODB is temporary not persistent.

Although Figure 2 shows OODB system software 18 and RDB system software 20 as two different named "databases", the OODB 18 is not a separate true database, but rather is an abstraction layer for accessing and managing the only persistent storage database in Bannon, which is RDB 20. As stated at the column 10, lines 18-21, "RDBMS 20 ... physically store[s] and retrieve[s] the objects created by application 14 and managed by OODB 18".

As discussed below with reference to the claims, Bannon does not disclose two persistent databases where a new database is created based on an existing database.

REJECTIONS UNDER 35 USC § 102

In the Office Action, at pages 2-5, claims 1-7 were rejected under 35 U.S.C. § 102 as anticipated by Bannon. This rejection is traversed and reconsideration is requested.

The claims are amended herein to more clearly differentiate a relational database from an object database. As discussed above, there is only one true persistent database in Bannon. In contrast, the pending claims recite two different databases, one created from the other. The claims have been amended to clarify this distinction. The claims now recite that the object database is <u>created</u> from the relational database. This also clarifies that the claims relate to migrating or transferring a relational database to an object database. In contrast, Bannon only translates select relational data into objects as they are needed, and the objects are stored in

7

non-persistent primary memory where they are used by the application 14. A new database – either object or relational - is not created.

Furthermore, Bannon only discloses one true database, the RDB 20. The Free Online Dictionary of Computing indicates that a "database" is "[o]ne or more large structured sets of persistent data, usually associated with software to update and query the data. A simple database might be a single file containing many records, each of which contains the same set of fields where each field is a certain fixed width." The rows of selected data in working memory of Bannon are not a separate and distinct database.

Also, the OODB 20 (or the Object Management System 42 which uses it) is not a true database, but rather serves as an ephemeral object encapsulator of relational data. Bannon explicitly states that when an application 14 is done using objects through the Object Management System (OMS) 42, it deletes the OMS 42. After committing or aborting a transaction, "application 14 would either call OMS Shutdown 106 or delete the instance of OMS 42 to terminate the interface with OMS 42" (col. 32, lines 8-10, and lines 45-53). Only the RDB 18 is used to persistently store data. The OMS 42 and OODB 20 are not persistent and therefore are not true databases. To the extent that they "objectify" the data of the relational database, that is not the same as providing a separate and distinct second persistent database.

Withdrawal of the rejection is respectfully requested.

If the rejection is maintained, the Examiner is respectfully requested to explain how "object database" is being interpreted.

DEPENDENT CLAIMS

The dependent claims are deemed patentable due at least to their dependence from allowable independent claims. These claims are also patentable due to their recitation of independently distinguishing features. For example, claim 4 recites "creating an ODB repository describing therein definition information of the object database associated with the RDB definition information in accordance with the RDB definition information extracted". This feature is not taught or suggested by the prior art. Withdrawal of the rejection of the dependent claims is respectfully requested.

8

NEW CLAIMS

New claims 8-11 have been added to clarify an aspect of the present invention in which some details of a RDB-to-ODB migration tool are recited.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.
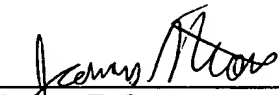
Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: _23 JUNE 2004_   By: _____
                            James T. Strom
                            Registration No. 48,702

1201 New York Ave, N.W., Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501